REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Applicants appreciate the courtesy shown by the Examiner Edwards in discussing this application with the Applicants' representative R. Christine Yang on March 5, 3008. During discussion, Applicants presented various amendment proposals. Examiner Edwards appeared to indicate that the feature of two or more distinct or closed rings would help distinguish the invention over Pribil (US 1,530,324). The above amendments and the following remarks reflect the substance of the interview. Claims 1, 6, 11, 17, 19 and 22 have been amended. New claims 25 and 26 have been added. Support for the amendments and new claims can be found in the original disclosure, e.g., Figs. 4, 5, 7 and 8, among other places. No new matter has been added. Claims 1, 3, 4, 6-8, 10-15 and 17-26 remain pending in the application.

Claim Rejections – 35 USC § 102

Claims 1, 3, 4, 6, 11-13 and 21-23 are rejected under 35 USC § 102(b) as being anticipated by Pribil (US 1,530,324). Applicants respectfully traverse this rejection to the extent it is maintained.

Claim 1 requires a tubular member having two or more distinct rings located on its inner diameter. Pribil fails to disclose such an arrangement as required by claim 1. Rather, Pribil discusses a tube 3 formed by a spirally wound strip 4, which has turned edge 5 and 6 forming an interlocking connection with the adjacent coil (see Pribil, page 1, lines 71-77 and Fig. 2). The Pribil muffling tube 3 is distinct from the present invention in that, for example, the Pribil baffle strip 7 is a single piece of a spirally wound strip, while claim 1 requires two or more distinct rings. These are completely different structures. For at least the reason above, claim 1 is patentable over Pribil. Claims 3, 4, 21 and 23 depend from claim 1 and is patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features required by claims 1, 3, 4, 21 and 23.

Claim 22 is patentable for at least the same reasons discussed above regarding claims 1, 3, 4, 21 and 23. In addition, claim 22 requires that each ring have a generally

circular inner surface facing the exhaust gas passageway in the tubular member. Pribil fails to disclose such an arrangement required by claim 22. Therefore, the invention of claim 22 is distinct from Pribil.

Claim 6 is patentable over Pribil for reasons similar to those discussed above regarding claim 1. Claim 6 requires a flexible exhaust tubular member having two or more distinct rings located on its inner diameter. Pribil fails to disclose such structure as recited in claim 6. For at least these reasons, claim 6 is patentable over Pribil. Applicants are not conceding the relevance of the rejection to the remaining features required by claim 6.

Claims 11-13 are patentable over Pribil for reasons similar to those discussed above regarding claims 1, 3, 4 and 21. Claim 11 requires a rigid tubular member having at least two distinct rings mounted to its inner diameter. Pribil fails to disclose such structure as recited in claim 11. For at least these reasons, claim 11 is patentable over Pribil. Claims 12 and 13 depend from claim 11 and are patentable along with claim 11 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features required by claims 11-13.

For at least the foregoing, claims 1, 3, 4, 6, 11-13 and 21-23 are distinguishable from and allowable over Pribil. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections – 35 USC § 103

Claims 17 and 24 are rejected under 35 USC 103(a) as being unpatentable over Pribil in view of Kazokas (US 3,061,416) as stated in paragraph 13 of the Office Action. Applicants respectfully traverse this rejection.

Claim 17 requires an exhaust tubular member having two or more distinct rings located on its inner diameter. Claim 17 also requires that each ring have a generally circular inner surface facing an exhaust gas passageway in the tubular member.

In a marine exhaust system, the invention of claim 1 provides the tubular member, coupled between the combustion engine of a generator set (genset) and a muffler, that transfers exhaust gases and raw water flowing from the genset to the muffler and water

separator, which are remotely located from the genset. (See for example page 1, lines 9-13 of the specification). Advantageously, the claimed exhaust assembly, in particular the rings located on the inner diameter of the tubular member, helps form water droplets from the raw water that flows into the tubular member. The rings constrict the water and interfere with the flow of the water. The water then builds up and spills over the rings, creating turbulence in the flowing water resulting in a substantial amount of water droplets. These water droplets from the flowing water are mixed with gas, and the noise generated by the combustion engine is reduced. The constriction provided by the rings also increases the velocity of the exhaust gas to more effectively pick up drops of water from the bottom of the turbulent member and mix the water with the gas. These factors, among others, provide for the sound dampening properties of the tubular member. (See for example page 4, lines 12-23 and page 5, line 27 to page 6, line 9 of the present specification).

Pribil fails to teach or suggest the exhaust tubular member having two or more distinct rings located on its inner diameter. Nor does Pribil teach or suggest that each ring have a generally circular inner surface facing an exhaust gas passageway in the tubular member, as required by claim 17. Rather, Pribil discusses a tube 3 formed by a spirally wound strip 4, which has turned edge 5 and 6 forming an interlocking connection with the adjacent coil (see Pribil, page 1, lines 71-77 and Fig. 2). The Pribil tube includes a spirally wound continuous baffle strip 7 (see Pribil, Fig. 2 and page 2, lines 7-35) for helping exhaust gases form a spiral motion and prevent undue back pressure. As a result, the force of exhaust explosion is distributed the entire length of the baffle strip 7 (see Pribil, page 1, lines 86-92). The Pribil muffling tube 3 is distinct from the present invention in that, for example, the Pribil baffle strip 7 is a single piece of a spirally wound strip, while claim 17 requires two or more distinct rings. These are completely different structures.

Moreover, the present invention of claim 17 is directed to an exhaust system for a marine genset and requires that each ring have a generally circular inner surface facing an exhaust gas passageway in the tubular member.

Such a structure can sufficiently constrict and interfere sufficiently with a flow of water and mix the water with exhaust gases in a exhaust tubular member. The generally circular inner surface of each ring helps constrict the flow of water and aggressively interacts with the central portion of the high velocity exhaust flow so as to lift the substantial portion of the water flow up and mix the water with the exhaust gases. However, Pribil does not disclose or suggest such a structure of claim 17. Rather, Pribil particularly discusses a toothed or serrated edge 8 projecting into the interior of the tube to break up of the gases (see Pribil, page 1, line 94 and Figs. 3, 4). Moreover, there is no technical basis to assume that the muffling tube of Pribil would be suitable for a marine genset. The projecting serrated edge 8 is problematic and would not be effective for mixing water into the exhaust gas stream as required by claim 17, since the water flowing out of the marine genset can run along the bottom of the tube by passing through the bottom notches between the serrated edges 8 and travel along the bottom of the tube.

In addition, Pribil discusses a spirally wound muffling tube having interlocking construction joints. Such a muffling tube is not made water tight and thus is only for a dry exhaust system. Therefore, the Pribil muffling tube in fact cannot be used in an exhaust system for a marine genset as required by claim 17.

For at least these reasons, claim 17 is patentable over Pribil in view of Kazokas. Kazokas does not remedy the deficiencies of Pribil. Applicants are not conceding the relevance of the rejection to the remaining features required by claim 17.

Claims 7, 14 and 18-20 are rejected under 35 USC 103(a) as being unpatentable over Pribil in view of design choice. Applicants respectfully traverse this rejection.

Claim 7 depends from claim 6 and is patentable over Pribil for at least the same reasons discussed above regarding claim 6. Applicants are not conceding the relevance of the rejection to the remaining features of claim 7.

Claim 14 depends from claim 11 and is patentable over Pribil for at least the same reasons discussed above regarding claims 11-13. Applicants are not conceding the relevance of the rejection to the remaining features of claim 14.

Claim 18 depends from claim 17 and is patentable over Pribil for at least the same reasons discussed above regarding claim 17. Applicants are not conceding the relevance of the rejection to the remaining features of claim 18.

Claims 19 and 20 ultimately depend from claim 1 and are patentable over Pribil for at least the same reasons discussed above regarding claims 1, 3, 4, 21 and 23. Applicants are not conceding the relevance of the rejection to the remaining features of claims 19 and 20.

Claims 8 and 10 are rejected under 35 USC 103(a) as being unpatentable over Pribil in view of design choice. Applicants respectfully traverse this rejection. Claims 8 and 10 depend from claim 6 and are patentable over Pribil for at least the same reasons discussed above regarding claim 6. Applicants are not conceding the relevance of the rejection to the remaining features of claims 8 and 10.

Claim 15 is rejected under 35 USC 103(a) as being unpatentable over Pribil in view of design choice. Applicants respectfully traverse this rejection. Claim 15 depends from claim 11 and is patentable over Pribil for at least the same reasons discussed above regarding claims 11-13. Applicants are not conceding the relevance of the rejection to the remaining features of claim 15.

New dependent claim 25 is patentable for at least the same reasons discussed above regarding claims 1, 3, 4 and 21-23. In addition, claim 25 requires each ring located on an inner diameter of a tubular member being a closed ring, which means a ring without any break in its band. This arrangement helps force the cooling water up and to be mixed with the exhaust gas so as to reduce the noise.

Pribil fails to teach or even suggest such an arrangement as required by claim 25. Even assuming arguendo that each revolution of the Pribil baffle strip 7 could be a ring, it would not be a closed ring as required by claim 25. Moreover, unlike the invention of claim 25, which is used to mix cooling water with exhaust gases, the Pribil baffle strip 7 is used to break gases only. As a result, the star shape baffle strip 7 having gaps between

the serrated edge 8 would not effectively constrict the cooling water flow and mix the cooling water with the exhaust gases as required by claim 25, because the cooling water of claim 25 will tend to flow along the bottom of the tubular member between the serrated edges and exit the tubular member without being mixed with the exhaust gases. Therefore, the invention of claim 25 is distinct from Pribil.

New dependent claim 26 is patentable for at least the same reasons discussed above regarding claims 11-13. In addition, claim 26 requires each ring being in a plane perpendicular to the length of the tubular member. Pribil fails to teach or even suggest such an arrangement for reasons similar to those discussed above. Therefore, the invention of claim 26 is distinct from Pribil.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to Applicants' representative listed below.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402-0902
(612) 455-3800

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By: _____
Bryan A. Wong
Reg. No. 50,836

BAW:cy